

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8324 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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BHIKHIBEN WD/O BECHARBHAI BHAGWANJI

Versus

COMPETENT AUTHORITY AND DY COLLECTOR

Appearance:

MRS KETTY A MEHTA for Petitioners

MR. SOMPURA, A.G.P. for Respondent No. 1, 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 12/12/96

ORAL JUDGEMENT

Heard the learned advocates for the parties.

Rule returnable today. Learned Assistant Government Pleader waives service of rule on behalf of the respondents.

2. Feeling aggrieved by the order of the competent authority, petitioners preferred an appeal before the Urban Land Tribunal raising several contentions pertaining to the exclusion of the agricultural lands which were in the agricultural lands which after appointed date were notified as non-agricultural lands under the development plan and pertaining to the rights of the daughters of the petitioner No.1 to a share in the properties left by Bacherbhai- the late husband of the petitioner No. 1 and claiming exclusions of residential properties.

3. In view of the issue regarding effect of the development plan introduced after the commencement of

the Act pending before the Hon'ble Supreme Court, the tribunal remanded the matter and kept the issue open for consideration until after the decision that may be rendered by the Hon'ble Supreme Court. The tribunal, however, erred in not considering the other contentions raised by the petitioners. Feeling aggrieved, the petitioners have preferred this petition.

4. On the facts and in the circumstances of the case, it is clarified that all the contentions raised by the petitioners before the tribunal shall be open for consideration by the competent authority as and when it takes up the matter for re-consideration after the judgment of the Hon'ble Supreme Court.

5. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to cost.

(Miss. R.M. Doshit, J.)